

1 Martin Murphy  
2 LIUZZI, MURPHY & SOLOMON, LLP  
(SBN 164669)  
3 235 Montgomery St., Ste. 854  
San Francisco, CA, 94104  
4 T: (415) 400-7000  
F: (415) 400-7055  
5 [martin@lmslaw.com](mailto:martin@lmslaw.com)

6 ATTORNEYS FOR OBJECTOR

7  
8 IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
9 SAN JOSE DIVISION

10 IN RE GOOGLE USER PRIVACY ) Case No. 10-CV-00672-JW  
11 LITIGATION )  
12 This Pleading Relates To: ) OBJECTION TO CLASS SETTLEMENT  
ALL CASES ) AND TO APPLICATION FOR  
13 ) ATTORNEYS' FEES AND EXPENSES

14 Objector Kervin Walsh files this Objection to Class Settlement and to Application for  
15 Attorneys' Fees and Expenses. Mr. Walsh resides at 430 Paloma, Corpus Christi, Texas 78412; and  
16 his telephone number is (361) 548-4875; Objector's signature is below. Mr. Walsh is a class  
17 member. Exhibit A hereto (Class notice sent to Mr. Walsh).

18 As a preliminary matter, Mr. Walsh, though counsel, shall file and serve this pleading so  
19 that it is received and filed on January 10, 2011. To the extent it is a requirement that the Objection  
20 be "mailed," Mr. Walsh objects to that requirement as unnecessary and overly burdensome.  
21 Objection is made to the class settlement as follows. First, the practice changes that Google has  
22 already made to Google Buzz pertaining to privacy settings cannot be counted as relief brought  
23 about by this settlement. Those changes have already occurred and were implemented prior to any  
24 settlement. Second, the education Google has agreed to do regarding the privacy aspects of Google  
25 Buzz are to be undertaken at Google's discretion. Again, this is purely window dressing and of no  
26 value because education done at Google's discretion is not an enforceable undertaking. Thus, other  
27 than the \$8.5 million, this settlement is of no value.

1       None of the \$8.5 million is being paid to class members. The reason given in the class  
2 notice for this is that few, if any, class members suffered a compensable injury and because a pro  
3 rata distribution of the fund is not feasible due to the size of the class. A *cy pres* distribution should  
4 only be undertaken after all other avenues of distributing money to the class have been exhausted.  
5 That has not happened here and objection is made that the proponents of this settlement have not  
6 discharged their burden of proof on this issue. For example, a claims-made settlement which  
7 distributed the funds to class members likely would have been feasible. This settlement which  
8 provides no relief to the class is unreasonable, inadequate and unfair.

9              Objection is made to the attorneys' fee and expense request. Inadequate time and  
10 information have been provided to analyze the attorneys' fee and expense application. Moreover,  
11 objection is made that the attorneys' fees sought is excessive under a lodestar analysis. Moreover,  
12 the class notice is inadequate in that it does not disclose the amount of expenses and costs sought to  
13 be reimbursed.

14              Objector requests that this settlement be disapproved in all respects and, in the alternative,  
15 that class counsel's attorneys' fee and expense request be denied.

16 By: \_\_\_\_\_  
17 Kervin Walsh

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 Respectfully submitted,

2 By: /s/ Martin Murphy  
3 Martin Murphy  
4 LIUZZI, MURPHY & SOLOMON, LLP  
5 (SBN 164669)  
6 235 Montgomery St., Ste. 854  
7 San Francisco, CA, 94104  
8 T: (415) 400-7000  
F: (415) 400-7055  
[martin@lmslaw.com](mailto:martin@lmslaw.com)

9 COUNSEL FOR OBJECTOR

10 **CERTIFICATE/PROOF OF SERVICE**

11 On this the 10<sup>th</sup> day of January 2011, a true and correct copy of the above and foregoing  
12 instrument was duly served as indicated below either by facsimile and/or email upon the following  
13 counsel of record and to all counsel of record via e-mail according to efiling:

14 **Via CM-ECF Efilng**

15 Clerk of the United States District Court  
for the Northern District of California  
16 San Jose Division  
280 South 1st Street  
San Jose, CA 95113

17 **Via Facsimile: (202) 429-2294**

18 Gary E. Mason  
19 Mason LLP  
20 1625 Massachusetts Ave., NW  
Ste. 605  
21 Washington, DC 20036  
gmason@masonlawdc.com  
22 *Attorneys for Plaintiffs*

23 **Via Facsimile: (206) 359-9000/  
(206) 359-9426**

24 David J. Burman  
25 Perkins Coie, LLP  
1201 Third Avenue, Ste. 4800  
Seattle, Washington 98101-3099  
dburman@perkinscoie.com  
27 *Attorneys for Defendant*

28 /s/ Martin Murphy  
Martin Murphy